

City of LaVerkin

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LaVerkin City Council Meeting Minutes Wednesday, November 6, 2013 6:00 p.m. Council Chambers, 111 S. Main, LaVerkin, Utah

Present: Mayor Karl Wilson; Council-Members: Randy Reeve, Richard Hirschi, Brandon Stephenson, and Ray Justice; Staff: Derek Imlay, Troylinn Benson, Kevin Bennett, Chief Lloyd Watkins, and Christy Ballard; Public: Blair Gubler, John and Rose Valenti, Ken Hooten, Melanie Wilson, Jim Crisp, Larry Woods, Dustin Taylor, Jake Bulkley, and Chantelle Browning.

Councilman Phil Jensen has been excused.

A. Called to Order – Invocation and Pledge of Allegiance by Ken Hooten at 6:02pm.

B. Presentation:

1. ZC3-Rural Honors Award

Jim Crisp from the SUU/ZC3 explained that the Rural Summit Conference is sponsored each year by Southern Utah and is held at Southern Utah University. People from rural communities from all over the State come and one of the things they do is honor businesses, organizations, government entities, or even private citizens who have made a significant contribution to the rural part of our State with a Rural Honors Award. This past meeting ZC3 was given this prestigious award. All four communities involved with the ZC3 received a plaque.

Jim read the citation that was read at the meeting during the honoring of the award and then congratulated Mayor Wilson and the City of La Verkin for their part in receiving the award.

The Crescent Park project is the first on the ground project ZC3 was able to produce. He then presented Mayor Wilson with the plaque.

Mayor Wilson thanked Jim Crisp for all of the work he has done for Washington County, the Zion Corridor and this area.

2. Poll Sound

Dustin Taylor from Poll Sound explained they will be building the sound system for the council chambers from the ground up. There will be all new microphones with a mute button on each one. It is a programmable digital signal processor with individual control of each microphone and the ability to program the room for different situations. It is very simple and easy to operate. It is infinitely upgradeable. It includes two handheld microphones and two lapel microphones.

It also has the ability to record the meetings on a USB thumb drive.

It will include an assisted listening device for the hearing impaired.

C. Consent Agenda: (Items on the consent agenda may not require discussion. These items will be a single motion unless removed at the request of the Mayor or City Council.)

1. Declarations of conflict of interest
2. Agenda
3. October 2, 2013 regular meeting minutes
4. Review Invoices and Checks: \$255,450.45

Motion was made by Councilman Richard Hirschi to approve the consent agenda as written including the October 2, 2013 meeting minutes and checks and invoices in the amount of \$255,450.45, second by Councilman Brandon Stephenson. Roll Call Vote: Reeve-yes, Hirschi-yes, Stephenson-yes, Justice-yes. Motion carried unanimously.

D. Committee Reports:

1. Planning Commission – No meeting.
2. Water Board – The Water Board has not met.
3. Sewer Board-Blair reported the Sewer Board discussed the preliminary budget. There is a special meeting on December 10th for final approval. He thanked Councilman Justice and Mayor Wilson for their service on the Board.
Cleaning is complete except for State Street. That should be starting soon. It was put off so they could TB it at the same time.
4. Fire District-Chief Kuhlmann was not present.

E. Citizen Comment & Request for Future Agenda Items:

John Valenti would like to address an issue he has been having with Sunset View Estates. Water is draining onto his property. He has addressed it several times with the City but it seems to be a slow moving process. He had a letter he would like to leave with the Council addressing his concerns. The letter was given to Kyle who will email a copy of it to each of the Councilmen. Mayor Wilson will follow up with Kyle to make sure John receives an answer.

Councilman Stephenson asked John if there has been any damage to his property.

John replied when there is heavy rain he gets a small lake.

F. Business:

1. Discussion and possible action to issue notice of award to and approval of Agreement with Poll Sound for the City Council Chambers Audio System.

Kyle explained this item was in the budget amendment that was previously approved. Dustin was here to answer any questions and explain the technical portion of the sound system. This is to issue the notice of award to Poll Sound for the new sound system. Poll Sound will be replacing the entire sound system.

Dustin explained the system they will be installing, how it works and why they chose to go with that system.

Kyle mentioned the last five years after the Christmas Eve Program he has had several citizens complain about not being able to hear.

Councilman Hirschi pointed out the original bid has expired and questioned if the amount would still be the same.

Dustin replied the dollar amount is still the same.

Councilman Stephenson asked about the service warranty.

Dustin said the warranty is for one year, but if there is a problem he will come fix it.

If the City would like a copy of the software, it is free. Dustin can get them the information.

There is only one power button and one volume button so it is very easy to use. Dustin is planning on attending a couple of meetings to make sure the system is working correctly.

Motion was made by Councilman Richard Hirschi to approve the Agreement and issue the Notice of Award to Poll Sound for the City Council Chambers Audio System, second by Councilman

Ray Justice.

Councilman Stephenson questioned if this is the best way to spend the City's money. It will be used once a year at Christmas time and then for a few people who may come to the meetings held here. He feels this money could be used better somewhere else.

Kyle pointed out the new system was approved during the last budget amendment. Staff was under the impression everything was okay and to move forward with it.

Mayor Wilson said this item has been discussed for six years. It is something the citizens have repeatedly asked for so he would say that yes, this item is one of the top priorities.

Roll Call Vote: Justice-yes, Stephenson-No, Hirschi-yes, Reeve-No, Mayor Wilson-yes, Motion carried.

2. Discussion and possible action to approve music license agreement with ASCAP.

Kyle explained this item had been discussed and decided on at a prior meeting.

This will give the Mayor permission to sign the agreement entering into a contract with ASCAP so music can be played at city events. The cost is \$327 per year.

Kevin said we need to stay within the list of music ASCAP has or we will need to add one or both of the other companies if the City would like more options. This pertains to any music played for more than the personal enjoyment of an individual.

Motion was made by Councilman Brandon Stephenson to approve the music license agreement with ASCAP, second by Councilman Richard Hirschi. Roll Call Vote: Justice-yes, Stephenson-yes, Hirschi-yes, Reeve-yes. Motion carried unanimously.

3. Discussion and possible action to approve the contract and purchase order with Lantis Fireworks & Lasers.

Kyle reported this is the contract to purchase fireworks for the Winterfest Celebration. The \$2,500 comes from the Winterfest budget. The City lets Lantis know the dollar amount they would like to spend and Lantis puts together a package for us.

Councilman Hirschi asked what happens with the fireworks if they are not able to be let off due to weather. Kyle replied the last time they could not set them off during Winterfest the City set them off on the 24th of July.

Motion was made by Councilman Richard Hirschi to approve the contract and purchase order with Lantis Fireworks & Lasers, second by Councilman Randy Reeve. Roll Call Vote: Justice-yes, Stephenson-yes, Hirschi-yes, Reeve-yes. Motion carried unanimously.

4. Discussion and possible action to approve Ordinance No. 2013-11; An Ordinance amending Section 4-7-4 of the La Verkin City Code, to provide an exemption from the requirements of Chapter 7 for night display and lighting of the U.S. Flag on public property.

Kyle explained lighting the flag at the new Crescent Park was not allowed under our current code. This will allow that to be possible. As Kevin was looking into this item staff realized the flag at the City Office was not in compliance either. This will cover all public property.

Kevin reminded the Councilmen the reason for the night sky ordinance is so residents can see the night sky. If we put flags close together or too many of them we will be less likely to see the sky.

Councilman Justice commented he is in favor of this. Not having the flat lit at night is disgraceful and illegal.

Motion was made by Councilman Ray Justice to approve Ordinance No. 2013-11; An Ordinance amending Section 4-7-4 of the La Verkin City Code, to provide an exemption from the requirements of Chapter 7 for night display and lighting of the U.S. Flag on public property, second by Councilman Brandon Stephenson. Roll Call Vote: Reeve-yes, Hirschi-yes, Stephenson-yes, Justice-yes. Motion carried unanimously.

5. Discussion and possible action on an AT&T request to assign certain rights to, and sublet a certain portion of, the cell tower located at the water tank.

Kevin explained the cell tower by the water tank is owned by AT&T. Under the agreement executed in 2005 it states they can assign it to another company with consent from the City Council. It also states they can divide it and take it from subsidiary to subsidiary within the same company without City consent. A different company other than AT&T will be in charge of the cell tower and they are working with another entity that will be providing management services to AT&T's subsidiary. They are the ones interested in subleasing part of it to locate their own plate on the tower. There is room available on the tower.

Crown Castle International will operate as a sub-lessee to AT&T's subsidiary.

The City Council only needs to give consent to allow Crown Castle International to do the management services on the tower and possibly place their own antenna on the pole. Kevin does recommend approving both items to make things easier and he does recommend approval.

Motion was made by Councilman Ray Justice to approve the request and authorize Mayor Wilson to sign the letter, second by Councilman Richard Hirschi. Motion carried unanimously.

G. Staff, Mayor & Council Reports:

City Administrator- Kyle Gubler

The Crescent Park Ribbon Cutting Ceremony was held right before this meeting. He thanked Councilman Brandon Stephenson for donating the donuts for that event.

Winterfest is the next big event coming up. There will be a float for the Mayor and Councilmembers.

Kyle read the election results. There were 696 ballots. 56 were absentee ballots and have been included in the results. There were 25 provisional ballots, they have not been included in these results. Those will be sent to the County for approval and will be opened and counted at the Canvass. That will give us the official results.

There is a dinner tomorrow night Nov. 7th in recognition of the business license survey La Verkin completed. Governor Herbert will be there. All of the Councilmen are invited, Mayor Wilson will be speaking.

January 29th will be Local Officials Day at the State Legislature for the Youth City Council.

Mayor Wilson recommended to the new mayor and council taking the YCC to this event, he feels it is one of the best things we can do for them.

Public Safety- Chief Lloyd Watkins

The stats for October show it was a busy month. There was one homicide, it is still under investigation.

Two officers have been out with extended medical issues. It has left a huge hole in the department but Officer's Romney and Bulkley have done an outstanding job keeping up.

One officer should be back on Nov. 18th, the other is not sure yet.

The new vehicle is in. The lights are being installed now.

The Explorer should be getting the wrap this week or next week and the truck will be as soon as we get it back.

Director of Operations-Derek Imlay

Derek handed out a list of nuisances that have been turned in. There has been some concern raised that staff was not handling nuisances in a timely matter so each month this list will be given to the Councilmembers and they can see which stage each complaint is in and follow it through the process. Derek went over the process of resolving these types of complaints. Fifty four nuisance violation fix it tickets went out last week with ten more almost ready to go out. These do take a lot of time. It is a pretty lengthy process so staff has tried to do a few at a time.

Derek will be meeting with Verizon tomorrow. They are interested in putting up a cell tower in La Verkin. He has tried to get them to place the tower near the water tank. Verizon had three other locations they are looking at. One of which is the top side. Derek did send them information in regard to the Top Side Zone and the requirement of protecting the view from SR9 & 17. If they decide to go with this area it will require a zone change and will come before the City Council for that.

Sunset View Estates is still working out some issues and it will probably be the first of the year before they will be ready to come to City Council.

The crew has done a great job this year on the Water Meter Project and the Crescent Park Project. There have been three water breaks in Silver Acres.

The drainage issue at the intersection of 650 N 10 W has been resolved without having to drain onto Interstate Rock's property.

Treasurer-Troylinn Benson

The Water Meter Grant has been closed and the money has been received.

She will be putting in the last draw on the Crescent Park Project to close that out.

Kyle mentioned that Pelorus has been contacted and is working on getting the wording to wrap around so the checks and invoice sheets will be easier to read.

Mayor Wilson: Nothing to report.

Hirschi: Nothing further to report.

Reeve: Nothing to report.

Stephenson: Thanked everyone who helped in getting the Crescent Park finished as fast and timely as it was. He also thanked Kyle for all of the work he put in to getting this project.

Justice: He attended the 20th anniversary open house for the Virgin River Land Preservation Association. They were an important part of getting Confluence Park what it is and where it is today. He was not able to attend the Sewer Board meeting but will be at the next meeting. His other meetings are in the next couple of weeks. He is planning on attending the council meetings in January as a citizen and will continue to do all he can for La Verkin. He appreciates the opportunity to have been able to work with the Mayor and Councilmembers as well as all of the volunteers. He loves La Verkin and looks forward to volunteering more hours.

Mayor Wilson received an email from Bob Sandberg stating there have been over 2500 visitors to Confluence Park. Confluence Park is becoming a big part of our community and goes hand in hand with the Crescent Park dedication and everything that is happening with that corner.

H. Adjourn to Executive Session:

A Strategy session to discuss pending or reasonably imminent litigation and to discuss the purchase, exchange, or lease of real property.

Motion was made Councilman Ray Justice to adjourn to an Executive Session at the location of 111 South Main in La Verkin Utah for the purpose of discussing pending or reasonably imminent litigation and the purchase, exchange, or lease of real property, second by Councilman Richard Hirschi. Motion carried unanimously at 7:22pm.

I. Reconvene from Executive Session at 8:14pm.

Possible discussion and action regarding items addressed in Executive Session.

Motion was made by Councilman Ray Justice giving authority to legal counsel to draft a letter authorizing no more than \$2,000 dollars in settlement of the "L" fire situation, second by Councilman Brandon Stephenson. Roll Call Vote: Reeve-yes, Hirschi-yes, Stephenson-yes, Justice-yes. Motion carried unanimously.

J. Adjourn:

Motion was made by Councilman Ray Justice to adjourn, second by Councilman Brandon Stephenson. Motion carried unanimously at 8:15pm.

Minutes were taken on behalf of the City Recorder by Christy Ballard.

November 20, 2013
Date Approved

ATTEST:

Kyle Gubler
City Recorder

Mayor, Karl Wilson